

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 697
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation April 13, 2006 with recommendation that House Committee Substitute for Senate Bill No. 697 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3399L.02C

AN ACT

To repeal sections 226.527, 226.530, 226.580, 301.010, 301.550, 301.560, and 302.171, RSMo, and to enact in lieu thereof eight new sections relating to transportation and motor vehicles.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 226.527, 226.530, 226.580, 301.010, 301.550, 301.560, and 302.171, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 226.527, 226.530, 226.580, 301.010, 301.550, 301.560, 302.171, and 622.560, to read as follows:

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from such traveled way, except such outdoor advertising as is defined in subdivisions (1) and (2) of section 226.520.

2. No compensation shall be paid for the removal of any sign erected in violation of subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section if it were erected or maintained after August 13, 1976, shall be removed unless such removal is required by the Secretary of Transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 have been appropriated and allocated and are immediately available to this state, and in such
13 event, such sign shall be removed pursuant to section 226.570.

14 3. In the event any portion of this chapter is found in noncompliance with Title 23,
15 United States Code, section 131, by the Secretary of Transportation or his representative, and any
16 portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are
17 withheld, or declared forfeited by the Secretary of Transportation or his representative, all
18 removal of outdoor advertising by the Missouri state highways and transportation commission
19 pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full.
20 Such cessation of removal shall not be construed to affect compensation for outdoor advertising
21 removed or in the process of removal pursuant to this chapter.

22 4. In addition to any applicable regulations set forth in sections 226.500 through 226.600,
23 signs within an area subject to control by a local zoning authority and wherever located within
24 such area shall be subject to reasonable regulations of that local zoning authority relative to size,
25 lighting, spacing, and location; provided, however, that no local zoning authority shall have
26 authority to require any sign within its jurisdiction which was lawfully erected and which is
27 maintained in good repair to be removed without the payment of just compensation. **The**
28 **requirement by a local zoning authority that a legally erected outdoor advertising structure**
29 **be removed or altered as a condition or prerequisite for the issuance or continued**
30 **effectiveness of a permit, license, or other approval for any use, structure, development,**
31 **or activity other than outdoor advertising, including a request for rezoning, constitutes a**
32 **compelled removal or alteration, which is prohibited without the payment of just**
33 **compensation as required by this subsection.**

226.530. 1. The state highways and transportation commission [is required to] **shall**
2 issue one-time permanent permits as provided in section 226.550 for the erection and
3 maintenance of outdoor advertising along [the interstate and primary highway systems and] **any**
4 **interstate highways, the federal-aid primary system as it existed on June 1, 1991, or the**
5 **national highway system.**

6 2. The commission is authorized to void any permit and no compensation shall be
7 paid under any of the following conditions:

- 8 (1) When there has been any misrepresentation of a material fact by the applicant
9 on a permit application and the sign is removed under section 226.580;
10 (2) When the commission determines that a change has been made to a conforming
11 sign by the sign owner and the sign has been removed under section 226.580; or
12 (3) When the commission determines that a substantial change has been made to
13 a nonconforming sign by the sign owner such that the sign's nonconforming status was

14 **terminated and the sign was removed under the commission's administrative rules for**
15 **maintenance of nonconforming signs.**

16 **3. The commission is authorized to void any permit when the commission**
17 **determines that such permit has been erroneously issued by department of transportation**
18 **staff in violation of any state law or administrative rule and the outdoor advertising shall**
19 **be subject to removal and compensation and shall be paid under section 226.570.**

20 **4. Subject to section 226.540, the commission is authorized to promulgate only those**
21 **rules and regulations of minimal necessity and consistent with customary use to secure to this**
22 **state any federal aid contingent upon compliance with federal laws, rules and regulations relating**
23 **to outdoor advertising. No rule or portion of a rule promulgated under the authority of this**
24 **section shall become effective unless it has been promulgated pursuant to the provisions of**
25 **section 536.024, RSMo.**

226.580. 1. The following outdoor advertising within six hundred sixty feet of the
2 right-of-way of interstate or primary highways is deemed unlawful and shall be subject to
3 removal:

4 (1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500
5 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary
6 to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they
7 appeared in the revised statutes of Missouri 1969; or

8 (2) Signs for which a permit is not obtained or a biennial inspection fee is more than
9 twelve months past due; or

10 (3) Signs which are obsolete. Signs shall not be considered obsolete solely because they
11 temporarily do not carry an advertising message; or

12 (4) Signs that are not in good repair; or

13 (5) Signs not securely affixed to a substantial structure; or

14 (6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement
15 of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device;
16 or

17 (7) Signs which are erected or maintained upon trees or painted or drawn upon rocks or
18 other natural features; or

19 **(8) Signs for which a permit was obtained based on a misrepresentation of a**
20 **material fact.**

21 2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way
22 outside of urban areas, visible from the main traveled way of the interstate or primary system and
23 erected with the purpose of their message being read from such traveled way, except those signs

24 described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be
25 subject to removal.

26 3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 to [7]
27 **8** of this section, the state highways and transportation commission shall give notice either by
28 certified mail or by personal service to the owner or occupant of the land on which advertising
29 believed to be unlawful is located and the owner of the outdoor advertising structure. Such
30 notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action
31 which is required to correct the unlawfulness and shall advise that a failure to take the remedial
32 action within sixty days will result in the sign being removed. Within sixty days after receipt of
33 the notice as to him, the owner of the land or of the structure may remove the sign or may take
34 the remedial action specified or may file an action for administrative review pursuant to the
35 provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and
36 transportation commission, or he may proceed under the provisions of section 536.150, RSMo,
37 as if the act of the highways and transportation commission was one not subject to administrative
38 review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor
39 advertising structure erected prior to August 28, 1992, defined as a "structure lawfully in
40 existence" or "lawfully existing", by subdivision (1), (2) or (3) of subsection 3 of section
41 226.550, shall be removed for failure to have a permit until a notice, as provided in this section,
42 has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as
43 the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of
44 applying for a permit or paying the inspection fee within sixty days will result in the sign being
45 removed. Signs for which biennial inspection fees are delinquent shall not be removed unless
46 the fees are more than twelve months past due and actual notice of the delinquency has been
47 provided to the sign owner. Upon application made within the sixty-day period as provided in
48 this section, and accompanied by the fee prescribed by section 226.550, together with any
49 inspection fees that would have been payable if a permit had been timely issued, the state
50 highways and transportation commission shall issue a one-time permanent permit for such sign.
51 Such signs with respect to which permits are so issued are hereby determined by the state of
52 Missouri to have been lawfully erected within the meaning of "lawfully erected" as that term is
53 used in Title 23, United States Code, Section 131(g), as amended, and shall only be removed
54 upon payment of just compensation, except that the issuance of permits shall not entitle the
55 owners of such signs to compensation for their removal if it is finally determined that such signs
56 are not "lawfully erected" as that term is used in Section 131(g) of Title 23 of the United States
57 Code.

58 4. If actual notice as provided in this section is given and neither the remedial action
59 specified is taken nor an action for review is filed, or if an action for review is filed and is finally

60 adjudicated in favor of the state highways and transportation commission, the state highways and
61 transportation commission shall have authority to immediately remove the unlawful outdoor
62 advertising. The owner of the structure shall be liable for the costs of such removal. The
63 commission shall incur no liability for causing this removal, except for damage caused by
64 negligence of the commission, its agents or employees.

65 5. If notice as provided in this section is given and an action for review is filed under the
66 provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of
67 sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation
68 commission enters its final decision and order to remove the outdoor advertising structure, the
69 advertising message contained on the structure shall be removed or concealed by the owner of
70 the structure, at the owner's expense, until the action for judicial review is finally adjudicated.
71 If the owner of the structure refuses or fails to remove or conceal the advertising message, the
72 commission may remove or conceal the advertising message and the owner of the structure shall
73 be liable for the costs of such removal or concealment. The commission shall incur no liability
74 for causing the removal or concealment of the advertising message while an action for review
75 is pending, except if the owner finally prevails in its action for judicial review, the commission
76 will compensate the owner at the rate the owner is actually receiving income from the advertiser
77 pursuant to written lease from the time the message is removed until the judicial review is final.

78 6. Any signs advertising tourist-oriented type business will be the last to be removed.

79 7. Any signs prohibited by section 226.527 which were lawfully erected prior to August
80 13, 1976, shall be removed pursuant to section 226.570.

81 8. The transportation department shall reimburse to the lawful owners of any said
82 nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580
83 and 226.585, said compensation calculated and/or based on a fair market value and not mere
84 replacement cost.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
6 to be straddled by the operator, or with a seat designed to carry more than one person, and
7 handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;

50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;

54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;

56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation.

74

75 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
76 as a commercial motor vehicle or local commercial motor vehicle;

77 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
78 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
79 or a commercial motor vehicle whose property-carrying operations are confined solely to the
80 transportation of property owned by any person who is the owner or operator of such vehicle to
81 or from a farm owned by such person or under the person's control by virtue of a landlord and

82 tenant lease; provided that any such property transported to any such farm is for use in the
83 operation of such farm;

84 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
85 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
86 state, used to transport harvested forest products, operated solely at a forested site and in an area
87 extending not more than a [fifty-mile] **one-hundred-mile** radius from such site, carries a load
88 with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and
89 when operated on the national system of interstate and defense highways described in Title 23,
90 Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of
91 section 304.180, RSMo, does not have more than four axles, and does not pull a trailer which
92 has more than two axles. Harvesting equipment which is used specifically for cutting, felling,
93 trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be
94 transported on a local log truck. A local log truck may not exceed the limits required by law,
95 however, if the truck does exceed such limits as determined by the inspecting officer, then
96 notwithstanding any other provisions of law to the contrary, such truck shall be subject to the
97 weight limits required by such sections as licensed for eighty thousand pounds;

98 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
99 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
100 state, used to transport harvested forest products, operated solely at a forested site and in an area
101 extending not more than a [fifty-mile] **one-hundred-mile** radius from such site, operates with
102 a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight
103 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated
104 on the national system of interstate and defense highways described in Title 23, Section 103(e)
105 of the United States Code, such vehicle does not exceed the weight limits contained in section
106 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has
107 more than two axles. Violations of axle weight limitations shall be subject to the load limit
108 penalty as described for in sections 304.180 to 304.220, RSMo;

109 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
110 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
111 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
112 such municipal corporation and such municipal corporation and adjacent commercial zone;

113 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
114 is used exclusively to transport harvested forest products to and from forested sites which is
115 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
116 state for the transportation of harvested forest products;

- 117 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
118 and front clip, as those terms are defined by the director of revenue pursuant to rules and
119 regulations or by illustrations;
- 120 (31) "Manufacturer", any person, firm, corporation or association engaged in the
121 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 122 (32) "Mobile scrap processor", a business located in Missouri or any other state that
123 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
124 or scrap metal operator for recycling;
- 125 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
126 receives a new, rebuilt or used engine, and which used the number stamped on the original
127 engine as the vehicle identification number;
- 128 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
129 except farm tractors;
- 130 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
131 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
132 twelve thousand pounds:
- 133 (a) Offered for hire or lease; or
134 (b) The owner of which also owns ten or more such motor vehicles;
- 135 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 136 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
137 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
138 produces less than three gross brake horsepower, and is capable of propelling the device at a
139 maximum speed of not more than thirty miles per hour on level ground;
- 140 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
141 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
142 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 143 (39) "Municipality", any city, town or village, whether incorporated or not;
- 144 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 145 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
146 compliance with United States emissions or safety standards;
- 147 (42) "Operator", any person who operates or drives a motor vehicle;
- 148 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
149 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
150 thereof with the right of purchase upon performance of the conditions stated in the agreement
151 and with an immediate right of possession vested in the conditional vendee or lessee, or in the

152 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
153 or mortgagor shall be deemed the owner for the purpose of this law;

154 (44) "Public garage", a place of business where motor vehicles are housed, stored,
155 repaired, reconstructed or repainted for persons other than the owners or operators of such place
156 of business;

157 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
158 rebuilder, but does not include certificated common or contract carriers of persons or property;

159 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
160 construction by the addition or substitution of two or more new or used major component parts,
161 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

162 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
163 substantially modified so that it may be used and is used for the purposes of temporary housing
164 quarters, including therein sleeping and eating facilities which are either permanently attached
165 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
166 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
167 vehicle if the motor vehicle could otherwise be so registered;

168 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
169 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
170 wrecker or towing service;

171 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
172 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
173 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
174 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
175 wheel kingpin connection. When two vehicles are towed in this manner the combination is
176 called a "double saddlemount combination". When three vehicles are towed in this manner, the
177 combination is called a "triple saddlemount combination";

178 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
179 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

180 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

181 (a) Has been damaged to the extent that the total cost of repairs to rebuild or reconstruct
182 the vehicle to its condition immediately before it was damaged for legal operation on the roads
183 or highways exceeds seventy-five percent of the fair market value of the vehicle immediately
184 preceding the time it was damaged;

185 (b) By reason of condition or circumstance, has been declared salvage, either by its
186 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
187 interest in it;

188 (c) Has been declared salvage by an insurance company as a result of settlement of a
189 claim for loss due to damage or theft;

190 (d) Ownership of which is evidenced by a salvage title; or

191 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
192 304.157, RSMo, and designated with the words "salvage/abandoned property".

193

194 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of
195 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales
196 tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition,
197 "fair market value" means the retail value of a motor vehicle as:

198 a. Set forth in a current edition of any nationally recognized compilation of retail values,
199 including automated databases, or from publications commonly used by the automotive and
200 insurance industries to establish the values of motor vehicles;

201 b. Determined pursuant to a market survey of comparable vehicles with regard to
202 condition and equipment; and

203 c. Determined by an insurance company using any other procedure recognized by the
204 insurance industry, including market surveys, that is applied by the company in a uniform
205 manner;

206 (52) "School bus", any motor vehicle used solely to transport students to or from school
207 or to transport students to or from any place for educational purposes;

208 (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
209 corporation as an incidental service to transport patrons or customers of the regular business of
210 such person, firm, or corporation to and from the place of business of the person, firm, or
211 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
212 buses or as commercial motor vehicles;

213 (54) "Special mobile equipment", every self-propelled vehicle not designed or used
214 primarily for the transportation of persons or property and incidentally operated or moved over
215 the highways, including farm equipment, implements of husbandry, road construction or
216 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
217 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
218 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
219 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
220 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
221 shall not operate to exclude other such vehicles which are within the general terms of this
222 section;

223 (55) "Specially constructed motor vehicle", a motor vehicle which shall not have been
224 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
225 vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

226 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
227 is located on a drop frame located behind and below the rearmost axle of the power unit;

228 (57) "Tandem axle", a group of two or more axles, arranged one behind another, the
229 distance between the extremes of which is more than forty inches and not more than ninety-six
230 inches apart;

231 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
232 for drawing other vehicles, but not for the carriage of any load when operating independently.
233 When attached to a semitrailer, it supports a part of the weight thereof;

234 (59) "Trailer", any vehicle without motive power designed for carrying property or
235 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
236 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
237 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
238 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
239 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
240 as defined in section 700.010, RSMo;

241 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of
242 property;

243 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
244 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
245 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
246 semitrailer and has one less articulation point than the conventional "A dolly" connected
247 truck-tractor semitrailer-trailer combination;

248 (62) "Truck-trailer boat transporter combination", a boat transporter combination
249 consisting of a straight truck towing a trailer using typically a ball and socket connection with
250 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
251 trailer but so as to maintain a downward force on the trailer tongue;

252 (63) "Used parts dealer", a business that buys and sells used motor vehicle parts or
253 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
254 "Business" does not include isolated sales at a swap meet of less than three days;

255 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
256 firm, corporation, association, city, county or state agency, or any member thereof, for the
257 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
258 and from their place of employment; however, a vanpool shall not be included in the definition

259 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
260 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
261 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
262 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
263 monetary profit other than for use in a ride-sharing arrangement;

264 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
265 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
266 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
267 operated by handicapped persons;

268 (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
269 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
270 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
271 a replacement vehicle to replace a disabled or wrecked vehicle;

272 (67) "Wrecker or towing service", the act of transporting, towing or recovering with a
273 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
274 tow truck, rollback or car carrier for which the operator directly or indirectly receives
275 compensation or other personal gain.

301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550
2 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

3 (1) "Boat dealer", any natural person, partnership, or corporation who, for a commission
4 or with an intent to make a profit or gain of money or other thing of value, sells, barter,
5 exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the
6 sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such
7 person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be
8 required as evidence that such person is eligible for licensure as a boat dealer under sections
9 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by
10 selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as
11 a boat dealer pursuant to sections 301.550 to 301.573;

12 (2) "Boat manufacturer", any person engaged in the manufacturing, assembling or
13 modification of new vessels or vessel trailers as a regular business, including a person,
14 partnership or corporation which acts for and is under the control of a manufacturer or assembly
15 in connection with the distribution of vessels or vessel trailers;

16 (3) "Department", the Missouri department of revenue;

17 (4) "Director", the director of the Missouri department of revenue;

18 (5) **"Emergency vehicles", motor vehicles used as ambulances, law enforcement**
19 **vehicles, and fire apparatus;**

20 **(6)** "Manufacturer", any person engaged in the manufacturing, assembling or
21 modification of new motor vehicles or trailers as a regular business, including a person,
22 partnership or corporation which acts for and is under the control of a manufacturer or assembly
23 in connection with the distribution of motor vehicles or accessories for motor vehicles;

24 **[(6)] (7)** "Motor vehicle broker", a person who holds himself out through solicitation,
25 advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale
26 of a motor vehicle, and who is not:

27 (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

28 (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf
29 of a manufacturer;

30 (c) The owner of the vehicle involved in the transaction; or

31 (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are
32 licensed dealers in this or any other jurisdiction;

33 **[(7)] (8)** "Motor vehicle dealer" or "dealer", any person who, for commission or with an
34 intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases
35 or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of
36 motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;
37 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed
38 pursuant to chapter 343, RSMo, shall not be included within the definition of a motor vehicle
39 dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required
40 as evidence that such person is engaged in the motor vehicle business and is eligible for licensure
41 as a motor vehicle dealer under sections 301.550 to 301.573;

42 **[(8)] (9)** "New motor vehicle", any motor vehicle being transferred for the first time from
43 a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this
44 state or any other state and which is offered for sale, barter or exchange by a dealer who is
45 franchised to sell, barter or exchange that particular make of motor vehicle. The term "new
46 motor vehicle" shall not include manufactured homes, as defined in section 700.010, RSMo;

47 **[(9)] (10)** "New motor vehicle franchise dealer", any motor vehicle dealer who has been
48 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that
49 make and motor vehicle and who may, in line with conducting his business as a franchise dealer,
50 sell, barter or exchange used motor vehicles;

51 **[(10)] (11)** "Person" includes an individual, a partnership, corporation, an unincorporated
52 society or association, joint venture or any other entity;

53 **[(11)] (12)** "Powersport dealer", any motor vehicle dealer who sells, either pursuant to
54 a franchise agreement or otherwise, primarily motor vehicles including but not limited to

55 motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this
56 chapter and chapter 306, RSMo;

57 [(12)] (13) "Public motor vehicle auction", any person, firm or corporation who takes
58 possession of a motor vehicle whether by consignment, bailment or any other arrangement,
59 except by title, for the purpose of selling motor vehicles at a public auction by a licensed
60 auctioneer;

61 [(13)] (14) "Storage lot", an area, within the same city or county where a dealer may
62 store excess vehicle inventory;

63 [(14)] (15) "Used motor vehicle", any motor vehicle which is not a new motor vehicle,
64 as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given
65 away or which may have had a title issued in this state or any other state, or a motor vehicle so
66 used as to be what is commonly known as a secondhand motor vehicle. In the event of an
67 assignment of the statement of origin from an original franchise dealer to any individual or other
68 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the
69 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership
70 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include
71 manufactured homes, as defined in section 700.010, RSMo;

72 [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is not a new
73 motor vehicle franchise dealer;

74 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in section 306.010,
75 RSMo;

76 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010 which is designed
77 and manufactured for the purposes of transporting vessels;

78 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or corporation in the
79 business of providing auction services solely in wholesale transactions at its established place
80 of business in which the purchasers are motor vehicle dealers licensed by this or any other
81 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary
82 course of its business. Except as required by law with regard to the auction sale of a government
83 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in
84 connection with the retail sale of a motor vehicle;

85 [(19)] (20) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor
86 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via
87 auctions limited to other dealers of any class.

88 2. For purposes of sections 301.550 to 301.573, neither the term "motor vehicle" nor the
89 term "trailer" shall include manufactured homes, as defined in section 700.010, RSMo.

90 3. Dealers shall be divided into classes as follows:

- 91 (1) Boat dealers;
- 92 (2) Franchised new motor vehicle dealers;
- 93 (3) Used motor vehicle dealers;
- 94 (4) Wholesale motor vehicle dealers;
- 95 (5) Recreational motor vehicle dealers;
- 96 (6) Historic motor vehicle dealers;
- 97 (7) Classic motor vehicle dealers; and
- 98 (8) Powersport dealers.

301.560. 1. In addition to the application forms prescribed by the department, each
2 applicant shall submit the following to the department:

- 3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 When the application is being made for licensure as a manufacturer, motor vehicle dealer,
6 wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle
7 auction, certification shall be performed by a uniformed member of the Missouri state highway
8 patrol stationed in the troop area in which the applicant's place of business is located; except, that
9 in counties of the first classification, certification may be performed by an officer of a
10 metropolitan police department when the applicant's established place of business of distributing
11 or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan
12 police officer is employed. When the application is being made for licensure as a boat
13 manufacturer or boat dealer, certification shall be performed by a uniformed member of the
14 Missouri state water patrol stationed in the district area in which the applicant's place of business
15 is located or by a uniformed member of the Missouri state highway patrol stationed in the troop
16 area in which the applicant's place of business is located or, if the applicant's place of business
17 is located within the jurisdiction of a metropolitan police department in a first class county, by
18 an officer of such metropolitan police department. A bona fide established place of business for
19 any new motor vehicle franchise dealer or used motor vehicle dealer shall include a permanent
20 enclosed building or structure, either owned in fee or leased and actually occupied as a place of
21 business by the applicant for the selling, bartering, trading or exchanging of motor vehicles or
22 trailers and wherein the public may contact the owner or operator at any reasonable time, and
23 wherein shall be kept and maintained the books, records, files and other matters required and
24 necessary to conduct the business. The applicant's place of business shall contain a working
25 telephone which shall be maintained during the entire registration year. In order to qualify as a
26 bona fide established place of business for all applicants licensed pursuant to this section there
27 shall be an exterior sign displayed carrying the name of the business set forth in letters at least
28 six inches in height and clearly visible to the public and there shall be an area or lot which shall

29 not be a public street on which one or more vehicles may be displayed, except when licensure
30 is for a wholesale motor vehicle dealer, a lot and sign shall not be required. The sign shall
31 contain the name of the dealership by which it is known to the public through advertising or
32 otherwise, which need not be identical to the name appearing on the dealership's license so long
33 as such name is registered as a fictitious name with the secretary of state, has been approved by
34 its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a
35 copy of such fictitious name registration has been provided to the department. When licensure
36 is for a boat dealer, a lot shall not be required. In the case of new motor vehicle franchise
37 dealers, the bona fide established place of business shall include adequate facilities, tools and
38 personnel necessary to properly service and repair motor vehicles and trailers under their
39 franchisor's warranty. **Dealers who sell only emergency vehicles as defined in section 301.550**
40 **are exempt from maintaining a bona fide place of business, including the related law**
41 **enforcement certification requirements, and from meeting the minimum yearly sales;**

42 (2) If the application is for licensure as a manufacturer, boat manufacturer, new motor
43 vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer
44 or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches,
45 showing the business building and sign shall accompany the initial application. In the case of
46 a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph
47 shall include the lot of the business. A new motor vehicle franchise dealer applicant who has
48 purchased a currently licensed new motor vehicle franchised dealership shall be allowed to
49 submit a photograph of the existing dealership building, lot and sign but shall be required to
50 submit a new photograph upon the installation of the new dealership sign as required by sections
51 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the
52 business has moved from its previously licensed location, or unless the name of the business or
53 address has changed, or unless the class of business has changed;

54 (3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat
55 dealer, the application shall contain the business address, not a post office box, and telephone
56 number of the place where the books, records, files and other matters required and necessary to
57 conduct the business are located and where the same may be inspected during normal daytime
58 business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required
59 of new franchised motor vehicle dealers and used motor vehicle dealers;

60 (4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
61 a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate
62 surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by
63 any state or federal financial institution in the penal sum of twenty-five thousand dollars on a
64 form approved by the department. The bond or irrevocable letter of credit shall be conditioned

65 upon the dealer complying with the provisions of the statutes applicable to new motor vehicle
66 franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers,
67 and the bond shall be an indemnity for any loss sustained by reason of the acts of the person
68 bonded when such acts constitute grounds for the suspension or revocation of the dealer's license.
69 The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved
70 parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary;
71 except, that the aggregate liability of the surety or financial institution to the aggrieved parties
72 shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds
73 of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final
74 judgment from a Missouri court of competent jurisdiction against the principal and in favor of
75 an aggrieved party;

76 (5) Payment of all necessary license fees as established by the department. In
77 establishing the amount of the annual license fees, the department shall, as near as possible,
78 produce sufficient total income to offset operational expenses of the department relating to the
79 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
80 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
81 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
82 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
83 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
84 the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary
85 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
86 general revenue fund until the amount in the motor vehicle commission fund at the end of the
87 biennium exceeds two times the amount of the appropriation from such fund for the preceding
88 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
89 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
90 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
91 from such fund for the preceding fiscal year.

92 2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale
93 motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle
94 auction submits an application for a license for a new business and the applicant has complied
95 with all the provisions of this section, the department shall make a decision to grant or deny the
96 license to the applicant within eight working hours after receipt of the dealer's application,
97 notwithstanding any rule of the department.

98 3. Upon the initial issuance of a license by the department, the department shall assign
99 a distinctive dealer license number or certificate of number to the applicant and the department
100 shall issue one number plate or certificate bearing the distinctive dealer license number or

101 certificate of number within eight working hours after presentment of the application. Upon the
102 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor
103 vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the
104 department shall issue the distinctive dealer license number or certificate of number as quickly
105 as possible. The issuance of such distinctive dealer license number or certificate of number shall
106 be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat
107 dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle
108 dealer, wholesale motor vehicle auction or motor vehicle dealer.

109 4. Notwithstanding any other provision of the law to the contrary, the department shall
110 assign the following distinctive dealer license numbers to:

111 New motor vehicle franchise dealers D-0 through D-999
112 New motor vehicle franchise and
113 commercial motor vehicle dealers D-1000 through D-1999
114 Used motor vehicle dealers D-2000 through D-5399
115 and D-6000 through D-9999
116 Wholesale motor vehicle dealers W-1000 through W-1999
117 Wholesale motor vehicle auctions W-2000 through W-2999
118 Trailer dealers T-0 through T-9999
119 Motor vehicle and trailer manufacturers M-0 through M-9999
120 Motorcycle dealers D-5400 through D-5999
121 Public motor vehicle auctions A-1000 through A-1999
122 Boat dealers and boat manufacturers B-0 through B-9999

123 5. Upon the sale of a currently licensed new motor vehicle franchise dealership the
124 department shall, upon request, authorize the new approved dealer applicant to retain the selling
125 dealer's license number and shall cause the new dealer's records to indicate such transfer.

126 6. In the case of manufacturers and motor vehicle dealers, the department shall also issue
127 one number plate bearing the distinctive dealer license number to the applicant upon payment
128 by the manufacturer or dealer of a fifty dollar fee. Such license plates shall be made with fully
129 reflective material with a common color scheme and design, shall be clearly visible at night, and
130 shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat
131 manufacturers shall be entitled to one certificate of number bearing such number upon the
132 payment of a fifty dollar fee. As many additional number plates as may be desired by
133 manufacturers and motor vehicle dealers and as many additional certificates of number as may
134 be desired by boat dealers and boat manufacturers may be obtained upon payment of a fee of ten
135 dollars and fifty cents for each additional plate or certificate. A motor vehicle dealer, boat dealer,
136 manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer

or wholesale motor vehicle auction obtaining a dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned and held for resale by the motor vehicle dealer or manufacturer, and used by a customer who is test driving the motor vehicle, or is used by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer, but shall not be displayed on any vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and manufacturers may display their certificate of number on a vessel or vessel trailer which is being transported to an exhibit or show.

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a driver's license is lawfully present in the United States before accepting the application. The director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to

17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178.

29 2. An applicant for a license may make a donation of one dollar to promote an organ
30 donor program. The director of revenue shall collect the donations and deposit all such
31 donations in the state treasury to the credit of the organ donor program fund established in
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
34 department of revenue shall retain no more than one percent for its administrative costs. The
35 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
36 license at the time of issuance or renewal of the license. The director shall make available an
37 informational booklet or other informational sources on the importance of organ donations to
38 applicants for licensure as designed by the organ donation advisory committee established in
39 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
40 licensee presents the completed application to the director whether the applicant is interested in
41 making the one dollar donation prescribed in this subsection and whether the applicant is
42 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
43 of the ability to consent to organ donation by completing the form on the reverse of the license
44 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
45 RSMo. The director shall notify the department of health and senior services of information
46 obtained from applicants who indicate to the director that they are interested in registry
47 participation, and the department of health and senior services shall enter the complete name,
48 address, date of birth, race, gender and a unique personal identifier in the registry established in
49 subsection 1 of section 194.304, RSMo.

50 3. An applicant for a license may make a donation of one dollar to promote a blindness
51 education, screening and treatment program. The director of revenue shall collect the donations
52 and deposit all such donations in the state treasury to the credit of the blindness education,

53 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
54 blindness education, screening and treatment program fund shall be used solely for the purposes
55 established in section 192.935, RSMo, except that the department of revenue shall retain no more
56 than one percent for its administrative costs. The donation prescribed in this subsection is
57 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
58 of the license. The director shall inquire of each applicant at the time the licensee presents the
59 completed application to the director whether the applicant is interested in making the one dollar
60 donation prescribed in this subsection.

61 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
62 commits fraud or deception during the examination process or who makes application for an
63 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
64 false or fraudulent information or documentation, or who knowingly conceals a material fact or
65 otherwise commits a fraud in any such application. The period of denial shall be one year from
66 the effective date of the denial notice sent by the director. The denial shall become effective ten
67 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
68 person at the last known address shown on the person's driving record. The notice shall be
69 deemed received three days after mailing unless returned by the postal authorities. No such
70 individual shall reapply for a driver's examination, instruction permit, driver's license, or
71 nondriver's license until the period of denial is completed. No individual who is denied the
72 driving privilege under this section shall be eligible for a limited driving privilege issued under
73 section 302.309.

74 5. All appeals of denials under this section shall be made as required by section 302.311.

75 6. The period of limitation for criminal prosecution under this section shall be extended
76 under subdivision (1) of subsection 3 of section 556.036, RSMo.

77 7. The director may promulgate rules and regulations necessary to administer and enforce
78 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
79 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

80 **8. Notwithstanding any other provision of this chapter that requires an applicant**
81 **to provide proof of lawful presence for renewal of a noncommercial driver's license,**
82 **noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five**
83 **years of age or older and who was previously issued a Missouri noncommercial driver's**
84 **license, noncommercial instruction permit, or Missouri nondriver's license is exempt from**
85 **showing proof of lawful presence.**

622.560. 1. Whenever the federal motor carrier safety administration, the United
2 **States Department of Transportation, or the state highways and transportation commission**
3 **issues an out-of-service order against a motor carrier, as those terms are defined in Title**

4 49, Section 390.5, Code of Federal Regulations, as those regulations have been and
5 periodically may be amended, the commission may immediately, without hearing, order
6 the suspension, revocation, cancellation, confiscation, or any of these, of every license,
7 registration, certificate, permit, and other credential issued to the motor carrier by the
8 commission's authority under section 226.008, RSMo, and every motor vehicle license plate
9 issued under any provision of chapter 301, RSMo, which authorizes the operation of motor
10 vehicles in intrastate or interstate commerce by that motor carrier. This section is
11 applicable to out-of-service orders placing a motor carrier's entire operation out of service,
12 but does not apply to any out-of-service order placing an individual driver or individual
13 vehicle out of service.

14 (1) The commission shall immediately serve notice of its order upon the affected
15 motor carrier, and upon the director of revenue, in the manner authorized by section
16 622.410 or any other manner authorized by law for the service of notice of the
17 commission's orders. The notice or order shall state a specific effective date for the
18 commission's action or, in the commission's discretion, that its action shall become effective
19 immediately upon the service of the notice or order upon the motor carrier. The order
20 shall remain in force until otherwise ordered by the commission, or by a court having
21 proper jurisdiction.

22 (2) Whenever an order of the commission issued under this subsection is in force,
23 a motor carrier who is prohibited by the order from operating commercial motor vehicles
24 shall not operate any commercial motor vehicles and shall not allow any employee, agent,
25 lessor, or other person acting under the motor carrier's authority or control to operate any
26 commercial motor vehicles in intrastate or interstate commerce within this state. Upon
27 receiving notice of the commission's order, the motor carrier shall immediately surrender
28 all license plates, motor carrier licenses, registrations, permits, and other credentials, as
29 directed by the commission's order. While the out-of-service order is in force, the
30 commission may dismiss or deny every application for the issuance of any of these
31 credentials to that motor carrier.

32 (3) After the commission has issued an order under this subsection, the out-of-
33 service motor carrier shall not be eligible to apply for the issuance or reinstatement of, and
34 the commission shall not issue or reinstate, any license plate, motor carrier license,
35 registration, permit, certificate, or other credential described in the commission's order,
36 until the out-of-service order and any commission orders issued under this subsection have
37 been rescinded by the agency that issued these orders, or the orders have been set aside by
38 a court having proper jurisdiction.

39 **2. In any commission or court proceeding relating to this section, a copy of any**
40 **federal or state order described in subsection 1 of this section shall be admissible and shall**
41 **constitute prima facie evidence that the motor carrier violated Title 49, of the Code of**
42 **Federal Regulations, or that the motor carrier's operation of commercial motor vehicles**
43 **poses an imminent hazard to safety, or both, as stated in that order.**

44 **3. Any person who is aggrieved by an order of the highways and transportation**
45 **commission issued under this section, or by any out-of-service order issued by commission**
46 **enforcement personnel under section 390.201, RSMo, or subsection 3 of section 307.400,**
47 **RSMo, may apply to the circuit court for a hearing and review of that order. Venue of**
48 **such judicial review shall lie within the county of the first classification with more than**
49 **seventy-one thousand three hundred but fewer than seventy-one thousand four hundred**
50 **inhabitants or in the county where the out-of-service order was issued to the motor carrier.**
51 **The right to a hearing and judicial review of the commission's order under this section**
52 **shall be waived, unless an aggrieved person files a petition for review with the clerk of the**
53 **circuit court in the proper venue, not later than thirty days following the issuance of the**
54 **order to be reviewed. Except as otherwise provided in this section, sections 622.430 to**
55 **622.450, shall govern the judicial review of orders issued by the commission or its**
56 **personnel as described in this section. In addition to any other interested parties, the**
57 **commission shall have the right to appear in all hearing and review proceedings under this**
58 **section and may, in its discretion, defend any order or notice issued and any action taken**
59 **by any public agency or officer acting in good faith under the provisions of this section.**
60 **This section shall not be construed as conferring any jurisdiction to review, amend, vacate**
61 **or set aside any orders issued by a federal agency or federal officer.**

62 **4. Notwithstanding any provision of law, the highways and transportation**
63 **commission may receive and disclose any data, information, or evidence relating to any**
64 **out-of-service motor carrier as provided in this section. Except as otherwise provided in**
65 **this section, this data may include, but is not limited to, the identity and location of any**
66 **persons known or reasonably believed to have leased motor vehicles with or without driver**
67 **to the out-of-service carrier, any persons known or reasonably believed to be operating**
68 **commercial motor vehicles under the authority or control of the out-of-service motor**
69 **carrier, and any motor vehicles owned, operated by, or leased to the out-of-service motor**
70 **carrier or those persons, including the vehicle identification numbers. The commission,**
71 **in its discretion, may disclose this data to the following entities, which are hereby**
72 **authorized to receive such data from and to disclose such data to the commission:**

73 **(1) The federal motor carrier safety administration, and other relevant officials of**
74 **the United States Department of Transportation;**

75 **(2) The department of revenue;**

76 **(3) The Missouri state highway patrol, and any other peace officers authorized to**
77 **exercise police powers within the state;**

78 **(4) Similarly authorized law enforcement agencies of any other state, of the United**
79 **States government, or of any foreign government having legal authority to promote or**
80 **enforce motor carrier safety; and**

81 **(5) Any liability insurer or surety that provides, or has an interest in providing,**
82 **automobile liability insurance coverage for the out-of-service motor carrier, or for any**
83 **person who leases, or proposes to lease, motor vehicles to be operated by or under the**
84 **authority or control of the out-of-service motor carrier.**

85 **5. Upon receiving notice of any order issued by the highways and transportation**
86 **commission under subsection 1 of this section, together with any additional information**
87 **reasonably required by the director of revenue, the director of revenue may immediately,**
88 **without hearing, update the director's records to reflect the suspension, revocation, or**
89 **cancellation of all motor vehicle license plates, registrations, and other credentials issued**
90 **to the out-of-service motor carrier by the director of revenue, or by the department of**
91 **revenue. The director of revenue shall immediately notify the motor carrier, and the**
92 **commission, of all actions taken under the commission's order. The motor carrier shall**
93 **have the right to seek judicial review of the commission's order, including the suspension,**
94 **revocation, or cancellation of motor vehicle license plates and registrations under the**
95 **commission's order, as provided in subsection 3 of this section. The motor carrier shall not**
96 **be entitled to any separate appeal or review of the director of revenue's notice of**
97 **suspension, revocation, or cancellation of motor vehicle licenses or registrations or any**
98 **other actions taken by the director of revenue under the commission's order.**

99 **6. The commission may authorize any of its personnel to enforce any provision of**
100 **this section, or any out-of-service orders described in this section, in the same manner**
101 **provided by law for other orders of the commission authorized under section 226.008,**
102 **RSMo. The Missouri state highway patrol and other peace officers within this state may**
103 **enforce the requirements of this section and of any orders issued under this section. If so**
104 **authorized by the commission's order under this section, in addition to any other remedies**
105 **provided by law, personnel of the state department of transportation and the state highway**
106 **patrol may confiscate any license plates, motor carrier licenses, registrations, certificates,**
107 **permits, and other credentials issued to the motor carrier by the commission, the director**
108 **of revenue, the department of revenue, or all of these.**

109 **7. Notwithstanding any provision of law, the state of Missouri, the highways and**
110 **transportation commission, the department of revenue, the state highway patrol, and any**

111 peace officers or other public officers acting in good faith under the authority of this
112 section, shall not be held liable or required to pay any refund of any fees, taxes,
113 assessments, penalties, fines, forfeitures, or other payments that may be charged to,
114 received, or collected from the out-of-service motor carrier, or from persons whose motor
115 vehicles are leased to or operated under the control of that motor carrier, in relation to any
116 license plate, motor carrier license, registration, permit, certificate or other credential that
117 is suspended, revoked, cancelled, or confiscated under any provisions of this section.

118 8. Any act or omission by a state agency that this section authorizes or requires
119 with reference to an out-of-service motor carrier, or with reference to motor vehicles
120 operated by an out-of-service motor carrier, is likewise authorized or required with
121 reference to:

122 (1) Any person who operates motor vehicles under the actual control of that motor
123 carrier, and any person who operates motor vehicles that are leased to that motor carrier,
124 with or without driver; and

125 (2) Any motor vehicles operated under the actual control of that motor carrier and
126 any motor vehicles that are leased to that motor carrier, with or without driver.

✓
Bill

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